

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the  
District of New Jersey

United States of America  
v.

Jonathan A. Kirschner,  
a/k/a "Jonathan Kratcher"

Case No.

17-m-2028 (JS)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 05/09/2017 - 06/20/2017 in the county of Burlington in the  
       District of New Jersey, the defendant(s) violated:

Code Section

18 U.S.C. § 912

Offense Description

Impersonation of an ATF Special Agent.

This criminal complaint is based on these facts:

See Attachment B.

☒ Continued on the attached sheet.



Complainant's signature

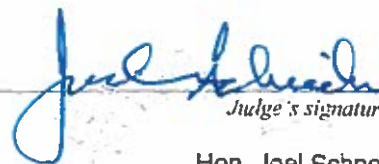
Patrick B. Finegan, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 06/21/2017

City and state: Camden, NJ



Judge's signature

Hon. Joel Schneider

Printed name and title

**CONTENTS APPROVED**  
**UNITED STATES ATTORNEY**

By: 

R. STEPHEN STIGALL, AUSA

Date: 6/21/17

**ATTACHMENT A**

Between on or about May 9, 2017 and on or about June 20, 2017, in the District of New Jersey and elsewhere, defendant

JONATHAN A. KIRSCHNER,  
a/k/a "Jonathan Kratcher,"

did falsely assume and pretend to be an officer and employee of the United States acting under the authority thereof, that is, a Special Agent of the Bureau of Alcohol, Tobacco, Firearms, and Explosives with the intent to cause Victims 1, 2, and 3 to feel at ease in purchasing what KIRSCHNER claimed to be gold coins and bars when, in reality, the coins and bars were fake.

In violation of Title 18, United States Code, Section 912.

**ATTACHMENT B**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES

v.

JONATHAN KIRSCHNER

**FILED UNDER SEAL**

Mag. No.: 17-2028 (JS)

**AFFIDAVIT OF SENIOR SPECIAL AGENT PATRICK B. FINEGAN IN SUPPORT OF  
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Patrick B. Finegan, a Senior Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), being duly sworn, aver as follows:

1. I have been employed as an ATF Special Agent since 2005, and am currently assigned to the ATF's Camden Field Office. During this time I have conducted and participated in numerous investigations concerning the violation of laws prohibiting the illegal possession of firearms and controlled dangerous substances ("CDS"). As an ATF Special Agent I have received specialized training regarding, and have personally participated in various types of investigative activity, including, but not limited to, the following: (a) physical surveillance; (b) the debriefing of defendants, witnesses, informants and other individuals who have knowledge concerning violations of federal firearms laws; (c) undercover operations; (d) the execution of search warrants; (e) the consensual monitoring and recording of conversations; (f) the court authorized interception of both wire and electronic communications (i.e., Title III wiretaps); and (g) the handling and maintenance of evidence.

2. I make this Affidavit in support of an application for a criminal complaint for

defendant JONATHAN A. KIRSCHNER, a/k/a “Jonathan Kratcher” which charges KIRSCHNER with impersonation of an ATF Special Agent, in violation of Title 18, United States Code, Section 912. For the reasons described in more detail below, there is probable cause to believe that KIRSCHNER has been impersonating an ATF Special Agent since May 2017 and obtaining money from victims of a fraud scheme he is perpetrating in his pretended character.

3. Since this Affidavit is submitted for the sole purpose of establishing probable cause to support the issuance of a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. Rather, I have only included information necessary to establish probable cause for issuance of the complaint and warrant. Except as otherwise indicated, the actions, conversations, and statements of others identified in this Affidavit – even where they appear in quotations – are reported in substance and in part. Similarly, dates and times are approximations, and should be read as on or about, in or about, or at or about the date or time provided. The information provided below is based upon my own investigation, as well as upon information shared with me by other law enforcement personnel, and police reports.

4. On or about June 2, 2017, an individual (hereinafter, “Victim 1”) contacted the ATF and reported, in substance and in part, that defendant JONATHAN A. KIRSCHNER, a/k/a “Jonathan Kratcher,” had recently sold to Victim 1 what KIRSCHNER claimed to be real gold bars which turned out to be fake. Victim 1 explained that KIRSCHNER claimed to be an ATF agent in written correspondence with Victim and in-person when Victim 1 met KIRSCHNER. Victim 1 also observed that KIRSCHNER had a photograph of an ATF law enforcement badge

posted on his Facebook page. Victim 1 described the badge featured in the photograph as set in a blue box, with the letters "ATF" across the top, a "U" on the left side, an "S" on the right side, and the words "Special Agent" below "ATF" and "U.S."

5. Victim 1 explained that Victim 1 decided to purchase \$11,000 worth of gold bars from defendant JONATHAN A. KIRSCHNER, a/k/a "Jonathan Kratcher." Victim 1 asked KIRSCHNER to meet Victim 1 on May 9, 2017 at the Bank of America on Route 70 in Marlton. Victim 1 explained that the two met between approximately 3:00 p.m. and 3:30 p.m. inside the Bank of America lobby. Victim 1 described KIRSCHNER as wearing jeans and a t-shirt displaying an ATF badge on a chain around his neck. KIRSCHNER gave Victim 1 the gold bars and Victim 1 gave KIRSCHNER \$11,000 in cash. KIRSCHNER also included at no additional cost what he represented as coins.

6. Victim 1 had the gold bars examined by a company specializing in authenticating gold. On June 2, 2017, the company contacted Victim 1 to say that the gold bars were fake. Victim 1 tried to contact defendant JONATHAN A. KIRSCHNER, a/k/a "Jonathan Kratcher," via Facebook Messenger, but KIRSCHNER never replied, prompting Victim 1 to contact the ATF.

7. On or about June 5, 2017, Victim 1 again spoke with the ATF about defendant JONATHAN A. KIRSCHNER, a/k/a "Jonathan Kratcher." Victim 1 explained, in substance and in part, that KIRSCHNER had advertised gold bars on the Facebook page for the Marlton, Cherry Hill, Berlin, Voorhees online yard sale. Victim 1 had been perusing the web page since May 2017 in search of gold and coins as Victim 1 is a collector of such items. Victim 1 again

explained how KIRSCHNER sold Victim 1 what KIRSCHNER claimed to be gold bars for \$11,000. Victim 1 also stated that KIRSCHNER had represented to Victim 1 in correspondence and in-person that KIRSCHNER was an ATF Special Agent.

8. Interviewing agents asked Victim 1 what made Victim 1 believe defendant JONATHAN A. KIRSCHNER, a/k/a “Jonathan Kratcher,” was an ATF Special Agent. Victim 1 said, in substance and in part, that when KIRSCHNER met Victim 1 at the Bank of America, KIRSCHNER said he had just come from a “bust” in Philadelphia and that he had to get to another “bust” after their meeting. KIRSCHNER claimed to have left his “gun” in the car before entering the bank. Victim 1 said that Victim 1 personally felt more secure making the \$11,000 purchase from KIRSCHNER because KIRSCHNER represented himself to be an ATF Special Agent.

9. ATF agents obtained video from surveillance cameras located inside of the Bank of America on Route 70 in Marlton from May 9, 2017. A review of the video surveillance recordings reveals Victim 1 meeting with an individual who I recognize as defendant JONATHAN A. KIRSCHNER, a/k/a “Jonathan Kratcher,” based on my familiarity with his appearance. KIRSCHNER was dressed in jeans and a sweatshirt over a t-shirt with what appears to be an ATF badge hanging around his neck and a handgun holster on his leg.

10. On or about June 9, 2017, ATF agents interviewed two other individuals (hereinafter, “Victims 2 and 3”) who reported that they purchased fake coins from “Jonathan Kratcher.” Victims 2 and 3 explained, in substance and in part, that they met defendant JONATHAN A. KIRSCHNER, a/k/a “Jonathan Kratcher,” via a Facebook South Jersey Yard

Sale advertisement which was an on-line posting made through Facebook. Victims 2 and 3 agreed to purchase 49 Morgan dollar coins from KIRSCHNER for \$1,000.

11. Victims 2 and 3 explained, in substance and in part, that they met defendant JONATHAN A. KIRSCHNER, a/k/a “Jonathan Kratcher,” at the Costco in Mt. Laurel on June 4, 2017. Victim 3 had spoken with KIRSCHNER over the telephone the day before during which KIRSCHNER claimed to be an ATF Special Agent. Victims 2 and 3 informed the interviewing ATF agents that KIRSCHNER’s representations that he was a federal agent made them feel more at ease. Victims 2 and 3 also communicated with KIRSCHNER through Facebook Messenger leading up to the sale of the counterfeit coins. Victims 2 and 3 provided screen shots to the ATF of some of these communications. In those communications, KIRSCHNER, who used the pseudonym “Jonathan Kratcher,” stated to Victims 2 and 3, “I have my badge on” when providing descriptive information so that Victims 2 and 3 could locate KIRSCHNER. KIRSCHNER also stated that he was in a “White infiniti SUV with decals.”

12. Victims 2 and 3 met with defendant JONATHAN A. KIRSCHER, a/k/a “Jonathan Kratcher,” in the Costco parking lot. Victims 2 and 3 parked next to KIRSCHNER’s vehicle, which they described as an older model white Infinity SUV (which is consistent with the make and model of the **2003 Infinity QX4**)<sup>1</sup>. Victims 2 and 3 described KIRSCHNER as wearing an ATF badge around his neck on a chain and a firearm holster on his leg. Victim 2 asked KIRSCHNER whether he was an ATF Special Agent and if the badge was real.

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<sup>1</sup> New Jersey DMV records indicate that the **2003 Infinity QX4** is registered to Jonathan Kirschner, 709 Kimberly Drive, Moorestown, New Jersey 08057. New Jersey DMV records also indicate, as of the time of this Affidavit, that KIRSCHNER has an active New Jersey driver’s license, with a listed address of 709 Kimberly Drive, Moorestown, New Jersey 08057.

KIRSCHNER responded affirmatively to both questions. Victims 2 and 3 also asked about the gun holster which KIRSCHNER wore. In response, KIRSCHNER stated that he had left his gun in his vehicle, and that he had a knife in his holster instead. Victims 2 and 3 gave KIRSCHNER \$1,000. Thereafter, KIRSCHNER produced a knife from his holster and used it to open a priority envelope wrapped in bubble wrap. KIRSCHNER provided Victims 2 and 3 the fake coins and two extras which he stated were gifts. Victims 2 and 3 told interviewing ATF agents that they became very uncomfortable during their meeting with KIRSCHNER. As Victim 2 and 3 drove away, they wrote down the license plate registration number of KIRSCHNER's vehicle, which they stated was either "R30 GXS or R30 GYS."

13. The next day, Victims 2 and 3 took the coins to a coin dealer to have them examined. The coin dealer informed Victims 2 and 3 that the coins were fake.

14. Law enforcement officers showed Victim 1 and Victims 2 and 3 a known photograph of defendant JONATHAN A. KIRSCHNER, a/k/a "Jonathan Kratcher," which featured no identifying information. Victim 1 and Victims 2 and 3 stated that the person in the photo was the same person as who had sold them the counterfeit gold bars and coins, and who had used the pseudonym "Jonathan Kratcher."

15. On or about June 16, 2017, Victim 2 communicated with defendant JONATHAN A. KIRSCHNER, a/k/a "Jonathan Kratcher," at the direction of law enforcement via Facebook Messenger. The purpose of the communication was to introduce an undercover agent (the "UC") posing as Victim 2's niece who was interested in purchasing Morgan coins from KIRSCHNER.

16. During the Facebook Messenger communication, defendant JONATHAN A. KIRSCHNER, a/k/a “Jonathan Kratcher,” indicated that he would be able to sell Morgan coins to the UC on Tuesday, June 20, 2017. KIRSCHNER suggested that he already had the coins in his possession. Victim 2 received a message from KIRSCHNER on June 17, 2017 regarding arrangements to meet, and responded on June 19, 2017.

17. On or about June 20, 2017, the UC met with defendant JONATHAN A. KIRSCHNER, a/k/a “Jonathan Kratcher,” at the Costco in Mt. Laurel. KIRSCHNER was wearing what appeared to be an ATF badge around his neck and a gun holster on his leg in which he carried a knife. During the meeting, KIRSCHNER claimed he has worked for the ATF since 2007. He also stated, in substance and in part, that he was involved with money laundering cases for the ATF and that he does not always wear his gun. KIRSCHNER claimed he worked undercover, and sometimes worked with the Federal Bureau of Investigation and Central Intelligence Agency. KIRSCHNER produced the knife from the gun holster he was wearing and used it to open an envelope containing the Morgan coins. KIRSCHNER then proceeded to hand the UC 55 Morgan coins and the UC handed \$1,160 in cash to KIRSCHNER for the purchase of the coins. Shortly thereafter, ATF agents placed KIRSCHNER under arrest. During a search incident to arrest, law enforcement found on KIRSCHNER’s person the \$1,160 in cash the UC had previously handed him, an ATF “badge,” and a gun holster.

18. A query of ATF records has revealed that no one named “Jonathan Kirschner” works as a Special Agent for the ATF in the Philadelphia/New Jersey area. Similarly, a query of ATF records has revealed that defendant JONATHAN A. KIRSCHNER, a/k/a “Jonathan

Kratcher,” has never worked for the ATF as a Special Agent anywhere in the United States or elsewhere.

### **I. CONCLUSION**

19. Based upon the foregoing observations, including my familiarity with this investigation more generally, I have probable cause to believe that defendant JONATHAN A. KIRSCHNER, a/k/a “Jonathan Kratcher,” impersonated an ATF agent and obtained money in doing so, in violation of Title 18, United States Code, Section 912.